

**CITY OF OREM**  
**PLANNING COMMISSION MEETING MINUTES**  
**AUGUST 19, 2015**

The following items are discussed in these minutes:

**1600 NORTH – APPROVED**

**APPENDIX A, PERTAINING TO C2 ZONE – CONTINUED**

**GPA – AMEND FROM LDR TO MDR – CONTINUED**

**STUDY SESSION**

**PLACE –** Orem City Main Conference Room

**At 3:30 p.m.** Chair Moulton called the Study Session to order.

**Those present:** Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

**Those excused:** Michael Walker, Becky Buxton, Planning Commission members; Cliff Peterson, Private Development Engineer; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from August 5, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

**REGULAR MEETING**

**PLACE -** Orem City Council Chambers

**At 4:30 p.m.** Chair Moulton called the Planning Commission meeting to order and offered the invocation.

**Those present:** Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

**Those excused:** Michael Walker, Becky Buxton, Planning Commission members; Sam Kelly, City Engineer; David Spencer, City Council Liaison

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

**AGENDA ITEM 3.1** is a request by Craig Nielsen to vacate Lot 3 of Bowen and Leavitt Subdivision, Plat A and approve the final plat of **1600 NORTH SUBDIVISION** and the site plan/preliminary plat of **1600 NORTH OFFICE BUILDING** at 1385 West 1600 North in the HS zone.

**Staff Presentation:** Mr. Spencer said the applicant is proposing to construct a new office building on their property. Currently the site is occupied by Reboats. All existing buildings on the site will be removed for the construction of the proposed office building and parking structure.

## **“Planning Commission minutes for August 19, 2015”**

The proposed building is four (4) stories with 53,381 square feet of leasable space (63,641 total square feet). The building will be finished with stone, stucco and glass and be fifty-eight (58) feet tall. The maximum height allowed in the HS zone is sixty (60) feet.

As per code requirements for leasable office space in the HS zone, 214 stalls are required and 217 stalls are provided. The parking structure includes three (3) levels with an overall height of twenty two (22) feet. Twenty two (22) bicycle stalls are also provided adjacent to the main entrance.

There is an existing six (6) foot tall chain link fence on the north and west side, a six (6) foot vinyl fence on the south, and a seven (7) foot masonry fence on the east of the proposed site. A seven (7) foot masonry fence will be installed along the southern property line adjacent to the residential property. All other existing fences will remain.

The applicant is proposing to install landscaping along the I-15 frontage which includes the planting of several trees and shrubs. Lawn will be installed on the south side of the building. There is a total of 19,177 square feet of landscaping. The applicants landscaping plans show the total plant area coverage to be seventy (70) percent of the overall landscaping which is required by code.

The applicant has scheduled and will hold a neighborhood meeting on August 18, 2015.

The dumpster is located east of the main building in front of the parking structure and is enclosed as required by City code.

The applicant is providing two (2) accesses onto 1600 North. One access goes directly out to 1600 North and the other accesses 1600 North through the existing Bowen & Leavitt development. Both access points have a Level of Service (LOS) F which means that traffic conditions create a significant delay in the AM/PM peak hours. Currently there is a two and a half minute delay for vehicles turning left on 1600 North. To avoid delay vehicles are making right turns onto 1600 North going east then making U-turns to access I-15. The projected office building will cause an eight (8) minute delay with traffic backing up into the parking garage which may cause workers to park off site and may conflict with other developments in the area. A verbal agreement has been made with the Security Metrics property to gain access across their property, but they have not given any such permission in writing. Although the project causes a LOS F, and has potential for significant traffic delays, the site plan meets the minimum code requirements.

**Recommendation:** Based on compliance with all applicable City codes, staff recommends the Planning Commission approve the site plan of the office building for “CM 1600” at 1385 West 1600 North in the HS zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Mr. Cook asked what is located between the parking structure and the residential, he did not think it was landscaping. Mr. Spencer said it was not landscaping. He indicated it may be stone.

Ms. Larsen asked if the entrance/exit to the parking garage on the east side of the building. Mr. Spencer said yes. Ms. Larsen asked if the parking structure will only be above ground.

Chair Moulton invited the applicant to come forward. Curtis Miner introduced himself.

Mr. Miner said the landscape plan will have rock cover on the south side of the parking structure. The rocks will be treated in order to keep the weeds down. He noted that there will be parking on the main level and two additional levels for the parking structure. There is a large drop between the Security Metrics property and this property and so the parking structure will be tucked into the hillside. When looking from the Security Metrics site the structure will look like a continuation of the parking lot.

## **“Planning Commission minutes for August 19, 2015”**

Mr. Miner said that an earlier concept had this building being an eight story building and included some additional property. They pursued that option for about two years, along with many other options; ultimately they came to the current design. They did obtain a cross-access agreement with the Bowen & Leavitt property. This will give them two accesses onto 1600 North. The applicant still recognizes the heavy traffic condition on 1600 North. They are willing to participate in the solution, but cannot be handed the responsibility to solve the entire 1600 North traffic problem. They have had discussions with Security Metrics and others and suggested an additional traffic signal at the entrance to Security Metrics. They contacted Mike Fitsimmonz, property manager for Vivint, the owner of Bowen & Leavitt and Brad Caldwell, Security Metrics to discuss the traffic problem and how to work with it. They all agreed that a traffic light may be a great way to solve some of the traffic issues. As far as tonight's discussion, he hoped that the solving the traffic issues will not be a hindrance to approving this item. All requirements and standards from the HS zone have been met with this development. They will continue to work with the neighbors and City in order to solve the traffic issues.

Vice Chair Iglesias indicated the Planning Commission is aware that the project is compliant to the ordinance. The concern is the traffic situation. He asked Mr. Miner to talk about the residential property on 1200 West. Mr. Miner said there are two residential pieces of property on the eastern boundary of the Security Metrics property. One of the ideas they had early on was to secure the residential property in order to connect the commercial developments in the area to 1200 West and reroute a lot of the traffic that is forced onto 1600 North. The property owners raised the land price and it has become an unsolvable problem. Ultimately that may be part of the solution, but it is not on the table now. Vice Chair Iglesias noted that he understands the dilemma they are in.

Mr. Miner said that most of the ideas they have considered have had some shared/cross agreement with Security Metrics property. There have been many different drawings of that proposal, but at this time Security Metrics is being tentative until they see the broader solution on 1600 North traffic. Mr. Caldwell has suggested a solution may involve widening the road or a traffic signal. Everyone is willing to participate in whatever shape this takes. The cross access agreement with Security Metrics is not part of this proposal. They have had discussions and in the future there will be a possibility of an agreement, but they hoped for a decision tonight based on the two proposed accesses. Vice Chair Iglesias said the price of the residential properties may increase after the building is built and the traffic is worse. Mr. Miner said that is always a potential. Vice Chair Iglesias wondered if it may be better to bite the bullet now. Mr. Miner said historically everyone recognizes there is a traffic problem, but the last piece of property should be required to fix the current traffic problems. He indicated that the surrounding property owners need to work together with the City and UDOT to help solve the traffic problems.

Ms. Larsen indicated when considering the traffic lights, everyone will have to go to the front middle of the towers work their way back left to the proposed traffic signal. There will be a lot of people going through the parking lot to access the light. She does not think there will be room to stack traffic in the parking lot and on 1600 North. There are now four different access points trying to get onto 1600 North from the south side. She is not sure if making everyone use 1200 West is a good idea. She does not know the solution. She does like the building and the redo of the property. Mr. Miner agreed. They have been trying to solve this on their own and now they recognize this is a bigger problem and they need help to find the solution. Mr. Miner noted that at the end of the day there needs to be more than one solution to the problem.

Ms. Larsen asked if Security Metrics is a traditional work schedule, Monday-Friday, 8:00 am to 5:00 pm. Mr. Caldwell, Security Metrics, said they do work a traditional work schedule with a light crew on weekends.

Mr. Cook asked if there are any plans for 1600 North and what is the timing. Mr. Goodrich said in two years there will be federal funds and the environmental clearance process for the widening of 1600 North from I-15 to State Street. They may be able to do some widening at the intersection of 1200 West and 1600 North, which has become a choke point. Federal funding for construction is the only thing programmed at this time. They are updating the Transportation Master Plan and tentatively fixing problems on 1600 North is at the top of the list. It needs to be a five lane road all the way to State Street. All of the planners and engineers on MAG's technical committee recognize that. The long term solution is the two homes on 1200

## **“Planning Commission minutes for August 19, 2015”**

West will need to be purchased, which will gain another access. There are a lot of people making a right turn onto 1600 North and making a U-turn or using the parking lot. This will happen even more with this development. He agreed that there needed to be a lot of partners to solve this problem. They have looked at traffic signal at Security Metrics driveway, but the problem is the distance is only 520 feet long. This is not enough storage length. Where 1600 North exits onto I-15 already backs up now and with another signal the backing will continue up the hill. When they ran the traffic model in the past, it failed. He appreciates how the applicant shows in the site plan widening the shoulder in front of Common Cents to make a full right turn lane and make the radius wider. They are also going to restripe the access onto 1600 North to three lanes.

Ms. Larsen suggested smoothing out the bump which creates a line of sight problem. Mr. Goodrich said the federal funding will address the sight distance problems. There is similar problem further east where the school in Lindon. The money for environmental studies is \$988,000.

Ms. Larsen said there is huge problem with cars getting off the freeway and heading up the hill. Another traffic light will just contribute to the problem. If nothing happens, people will fend for themselves and find a way to get around the problem. Mr. Miner noted that Vivint is considering bussing from off-site for some employees.

Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Ms. Jeffreys said she has found that neither the public nor any person will be materially injured by vacating Lot 3 of Bowen and Leavitt Subdivision, Plat A and that there is good cause for the vacation. She then moved to:

1. Vacate Lot 3 of Bowen and Leavitt Subdivision, Plat A;
2. Approve the final plat of 1600 North Subdivision with one lot and
3. Approve the site plan/preliminary plat of 1600 North Office Building at 1385 West 1600 North in the HS zone.

Vice Chair Iglesias seconded the motion. Those voting aye: Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

**AGENDA ITEM 3.2** is a request by John Higgins to amend Appendix A of the Orem City Code as it pertains to permitted uses in the C2 zone.

**Planning Commission Action:** Chair Moulton moved to continue this item. Ms. Larsen seconded the motion. Those voting aye: Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

**AGENDA ITEM 4.1** is a request by Philroy Brown to **AMEND THE GENERAL PLAN LAND USE MAP BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON 0.34 ACRES** at 1750 South 50 East in the R5 zone.

**Staff Presentation:** The applicant owns a home in the R5 zone and desires to have an accessory apartment. However, the R5 zone does not allow accessory apartments. The applicant rezoned his property several years ago to the R5 zone in order to have reduced setbacks of the R5 zone. In the R5 zone, the side setbacks of a home must be a combination of 15 feet, with one side at least five feet. The building permit of the applicant's home shows a side setback of 5 feet on one side. The R5 zone was established to be used as an infill zone without regard to the general plan land use classification of a particular property. Under the current City Code, property cannot be rezoned to the R5 zone.

## **“Planning Commission minutes for August 19, 2015”**

The current general plan land use designation on the property is low density residential (LDR). The LDR classification is implemented by the R8, R12, R20, and PRD zones. The general plan is a guide for future growth and development. Zoning should, but is not required, to follow the general plan but it is good planning practice to have the zone and land use designation be consistent.



Should the land use designation change to medium density residential (MDR) the applicant can then apply to rezone the property to the R6 zone. The nearest medium density residential land use designation is approximately two blocks to the north of the subject property. The MDR designation is implemented by the R6, R6.5, R7.5, and PRD zones. This will then allow the applicant to have an accessory apartment. The lot will meet all requirements of

the R6 zone such as a minimum of 6,000 square feet and at least 60 feet wide. However, the home will not meet the setbacks. In the R6 zone, the combination of the side setbacks must be at least 16 feet with one side at least 6 feet. The applicant's home will be deficient one foot on the north side.

Staff held a neighborhood meeting on August 13, 2015.

### **Advantages**

- Permits applicant to apply for a rezone to R6
- Applicant can construct an accessory apartment

### **Disadvantages**

- Home will become legal non-conforming in regard to the side setback
- Applicant requested a rezone of his property to the R5 zone to take advantage of the smaller setbacks

**Recommendation:** The Development Review Committee recommends the Planning Commission consider the request and forward a recommendation to the City Council to amend the general plan land use map on property at 1750 South 50 East in the R5 zone from low density residential (LDR) to medium density residential (MDR).

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton asked if there is a utility easement north of the house. Mr. Stroud indicated the easements were around the lots. There was a five-foot easement in front of the house.

Chair Moulton invited the applicant to come forward. Phil Brown introduced himself.

Ms. Larsen asked how he accessed his home. Mr. Brown said the main access is off of Main Street. There is a circular drive in front of the house with a three car garage that accesses off of Main Street via a private driveway.

Ms. Larsen asked where the accessory apartment would be built. Mr. Brown indicated he built an apartment in the house for his aged parents. The apartment is located on the north and has separate utilities, furnace, water heater, etc. His parents lived there until they died. Afterwards, his son lived there for a while and then the LDS missionaries lived there. It is currently empty. He participated in a failed business venture and was stuck with all the bills. He is trying to pay off the debts and applied for a consolidation loan. The loan officer told him he cannot get this loan until he gets approval from the City.

Ms. Larsen reiterated that it is okay for the kids that lived there, but he would like more rent than what the kids can pay. She thought housing the missionaries was an illegal use. Mr. Earl said the City Council changed the law to allow a homeowner to have two unrelated individuals live with them as long as they do not pay rent. It was specifically designed to allow missionaries, foreign exchange students, etc.

## **“Planning Commission minutes for August 19, 2015”**

Ms. Larsen asked where the entrance for the accessory apartment and the parking is. Mr. Brown said they can use one of the garages and the circular driveway. There is an entrance on the east and west.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Roy Jones, Orem, said there is access to his property from both Main Street and 50 East. He added that all the homes are very large and there is plenty of parking on the streets. He added that Phil Brown is a good citizen and he hopes the Planning Commission will consider his application.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Ms. Jeffreys asked if this is changed to the Medium Residential zone will the setbacks be nonconforming. Mr. Stroud said the lot size will be okay, but the house will not meet the setbacks.

Mr. Brown said his home is set far back in the lot and he landscaped the house so it would not look so large. Mr. Stroud indicated that the north side of house would not meet the distance to the side property line. The site plan indicated the side setback is five feet and it needs to be six feet in order to meet the R6 zone.

Mr. Brown said the reason for the jog on the lot was to save the historic adobe home on the lot; however, over time it had to be removed because it was falling apart. He indicated he could get the owner of 1744 South to give him a Quit Claim deed on another foot to be legal. Mr. Stroud said that 1744 South would need to keep enough so as to not become an illegal lot. Mr. Brown said to the north of 1744 South there is a very large driveway.

Ms. Jeffreys asked if the property line that is shown coming off 50 East and going west accurate. Mr. Brown indicated he put in all the driveways. His driveway is totally accessible and they share the entryway. Ms. Jeffreys asked where the property line is. Mr. Brown said the property line is down the middle of the driveway.

Mr. Cook said the issue with the setback is the little jog. He asked if the line is moved a foot, will it create a setback problem for 1744 South. Mr. Stroud said yes it might be a problem for 1744 South. He noted that a surveyor will need to go in and resurvey to get exact measurements.

Ms. Larsen said she has a problem with changing the zone over and over depending on the applicant's current needs. She is not in favor of accessory apartments. She indicated she was in the neighborhood earlier and there were boats and cars parked all over the street.

Mr. Brown said he tried to get the correct zoning for an accessory apartment, but the City would not let him because of the unusual lot shape. Currently, he has three granddaughters living with him. His neighbor to the south has four boats, five trailers; 8-9 cars and they are all over the place, none of these are his. If the City had approved the first request, he would not be here. He has tried to do the right thing. He did request the original zone, but his circumstances have changed.

Mr. Stroud said the rezone to the R8 zone Mr. Brown referred to could not be granted because his lot was already platted it would need to be a minimum of 80-feet in width. Thus the City Council could not grant it.

Mr. Cook said it would be easier to approve this change if there was assurance the setbacks were in conformance. Mr. Stroud said that the applicant will need to work with the 1744 South owner to see if they can shift the boundary line. Mr. Brown indicated that the owner of the 1744 South home is his daughter and she will cooperate.

The Planning Commission agreed that the property line issue needs to be taken care of before they can make any kind of recommendation.

## **“Planning Commission minutes for August 19, 2015”**

**Planning Commission Action:** Ms. Larsen moved to continue this item until Mr. Brown surveys the property to determine the side setback. Chair Moulton seconded the motion. Those voting aye: Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

**MINUTES:** The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of August 5, 2015. Chair Moulton moved to approve the meeting minutes for August 5, 2015. Ms. Jeffreys seconded the motion. Those voting aye: Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

**ADJOURN:** Chair Moulton called for a motion to adjourn. Mr. Cook moved to adjourn. Chair Moulton seconded the motion. Those voting aye: Carl Cook, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

**Adjourn: 5:33 p.m.**

---

Jason Bench  
Planning Commission Secretary

Approved: September 2, 2015